



**Federal Communications Commission
Washington, D.C. 20554**

July 1, 2015

DA 15-777

Willison H. Gormly
P.O. Box 51
Des Moines, NM 88418-0051

Re: Petition to amend 47 CFR 97.301(e), filed June 16, 2015
Petition to amend 47 CFR 97.305(c) to allow spread spectrum in the two meter amateur radio band, filed June 16, 2015

Dear Mr. Gormly:

This is in response to the above-referenced petitions for rulemaking that you filed on June 16, 2015. In the first petition, you request that Section 97.301(e) of the Commission's Rules¹ be amended by dividing it into separate sub-paragraphs for Technician and Novice Class license privileges. In the second petition, you request that Section 97.305(c) of the Commission's Rules² be amended to authorize spread spectrum emission types in the 2 meter band. For the reasons set forth below, we dismiss both petitions.

Section 97.301(e). What is now Section 97.301(e) formerly was divided into two paragraphs, (e) and (f).³ In 1999, however, the Commission consolidated them within paragraph (e) when it streamlined and simplified the amateur rules.⁴ You assert that Section 97.301(e) is confusing, but Section 97.301 has been in this arrangement for a number of years without any reported difficulty.

Section 97.305(c). In 2004, the Commission sought comment on whether the frequency bands authorized for spread spectrum emissions should be expanded to allow spread spectrum emission types to be transmitted on VHF frequencies, specifically the 6 meter band, the 2 meter band, and the 222-225 MHz segment of the 1.25 meter band.⁵ In 2006, the Commission decided to authorize spread spectrum emissions only in the 222-225 MHz segment.⁶ It concluded, in agreement with the commenters, that authorizing spread spectrum transmissions was not warranted with respect to the 2 meter and 6 meter bands because of concerns over the compatibility of spread spectrum emission types and other amateur radio operations in those bands. Specifically, it noted that those bands are used extensively for weak signal communications, and the Commission was concerned about raising the noise floor or otherwise adversely affecting experimentation. It also noted that those bands are heavily used for other types communications, so there are fewer opportunities for frequency reuse in these bands than in the 222-225 MHz segment.

The rule changes you propose were previously rejected by the Commission. Your petitions do not demonstrate or even suggest that any relevant circumstances have changed such as to merit

¹ 47 C.F.R. § 97.301(e).

² 47 C.F.R. § 97.305(c).

³ See 47 C.F.R. § 97.301(e), (f) (1999).

⁴ See 1998 Biennial Regulatory Review – Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315, 340 (1999).

⁵ See Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Notice of Proposed Rulemaking and Order*, WT Docket No. 04-140, 19 FCC Rcd 7293, 7307 ¶ 25 (2004).

⁶ See Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Report and Order*, WT Docket No. 04-140, 21 FCC Rcd 11643, 11657 ¶ 26 (2004).

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reconsideration of these decisions. Consequently, we conclude that they do not present grounds for the Commission to propose amending Sections 97.301 and 97.305, and we dismiss the petitions.

Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petitions for rulemaking filed by Willison H. Gormly on June 16, 2015 ARE DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau